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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,632	10/12/1999	Suzanne P. Crane	10655.7700	5093
7590	02/10/2005		EXAMINER	
Howard I Sobelman Snell & Wilmer LLP One Arizona Center 400 East Van Buren Phoenix, AZ 85004-2202			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 02/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/415,632	CRANE ET AL.
	Examiner	Art Unit
	Frantzy Poinvil	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 August 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Simpson (US Patent No. 6,070,153).

As per claims 1 and 6, Simpson discloses a method and system for funding at least one investment product (see the abstract of Simpson) including:

a charge card billing system configured to capture financial event information (column 5, lines 25-30) wherein the billing system comprises a card account database configured to include user accounts (column 4, lines 28-37), a billing information database, a financial events database, a remittance database configured to include information about user remittances, wherein the combined remittance includes a portion of funds to satisfy debts related to the financial events and a portion of funds for investment. Applicant is directed to column 4, line 10 to column 5,

line 55). Simpson also discloses providing periodic statements related to previously established financial events. Note column 4, lines 42-44 and column 5, lines 31-54. Simpson further discloses a remittance database configured to include information about user combined remittances wherein the combined remittances include a portion of funds to satisfy debts related to the previously established financial events disclosed in the periodic statement and a portion of funds for investment. See column 5, lines 40-54. Simpson further teaches a payment hierarchy system for establishing rules for distributing the combined remittances to the previously established financial events and to an investment brokerage system (see column 4, line 45 to column 5, line 24).

Simpson also teaches an investment broker system in communication with the billing system (column 6, lines 19-37) wherein the investment broker system comprises:

an investment instruction arrangement database configured to include user investment instruction information (column 4, lines 10-24);

an investment account database configured to include multiple investment products (column 4, lines 19-24); and

an investment payment hierarchy system for establishing rules for distributing funds to the at least one investment product (column 4, lines 10-24 and line 46 to column 5, line 24).

As per claims 2 and 7, Simpson discloses the investment products include at least one of a fixed annuity, variable annuity, CD, insurance, certificate, equity and mutual fund. See column 1, lines 45-53 and column 4, lines 19-24.

As per claims 3 and 8, Simpson discloses the billing system is configured to avoid a collection process upon remittance of sufficient financial event funds and insufficient investment funds. See column 2, lines 9-28.

As per claim 4, Simpson teaches that the investment products are pre-selected by cardholders. Note column 4, lines 10-24.

As per claims 5 and 10, Simpson discloses the billing system and the investment broker system are configured to be accessed via at least one of a telecommunications linkage, facsimile, Internet and a point of interaction device. See column 5, lines 37-55.

As per claim 9, Simpson discloses selecting the investment products prior to the remitting step.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US Patent No. 6,070,153) in view of Sandberg-Diment (US Patent No. 5,826,245).

The teachings of Simpson are discussed above. Simpson teaches a cardholder using a purchasing card having an account number for purchasing goods/services from a merchant and later receives a periodic statement which includes the purchase amount. See column 2, lines 52-55. Steps of authorizing the account number and purchase amount, providing an approval code

associated with the account number and the purchase amount to the merchant is not explicitly stated in Simpson. The Examiner asserts that these are well known steps taken when using a credit card to make a payment using a financial transaction card. Sandberg-Diment discloses a system and method whereby a cardholder performs a financial transaction using a financial card. An approval code is sent to a merchant who then uses the approval code when requesting a payment for the transaction for the purchase amount. Applicant is directed to column 3, lines 55-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Sandberg-Diment into the system of Simpson in order to discourage fraudulent transactions, thereby providing a more secure system.

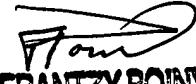
***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP  
January 28, 2005

  
FRANTZ Poinvil  
PRIMARY EXAMINER  
AU 3628